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17 UNITED STATES DISTRICT COURT
18 NORTHERN DISTRICT OF CALIFORNIA
19 OAKLAND DIVISION
20

21 ROSA MARTINEZ, JIMMY HOWARD,
ROBERTA DOBBS, BRENT
22 RODERICK, SHARON ROZIER, and
JOSEPH SUTRYNOWICZ, on behalf of
23 themselves and all others similarly situated,

24 Plaintiffs,

25 vs.

26 MICHAEL J. ASTRUE, Commissioner of
Social Security, in his official capacity,

27 Defendant.
28

CASE NO. 08-CV-4735 CW

**STIPULATION AND ~~[PROPOSED]~~
ORDER GRANTING PARTIES' JOINT
REQUEST FOR ADMINISTRATIVE
RELIEF TO POSTPONE CASE
MANAGEMENT CONFERENCE UNTIL
FEBRUARY 26, 2009 (LOCAL RULE 7-11)**

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15 Of Counsel for Plaintiffs ROSA MARTINEZ,
JIMMY HOWARD, ROBERTA DOBBS, BRENT
16 RODERICK, SHARON ROZIER, JOSEPH
SUTRYNOWICZ, and all others similarly situated
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1 WHEREAS, on December 30, 2008, Defendant filed a Motion for Administrative
2 Relief to Continue the Case Management Conference;

3 WHEREAS, on January 6, 2009, the Court granted Defendant's Motion for
4 Administrative Relief to Continue the Case Management Conference and continued the case
5 management conference scheduled for January 20, 2009 until February 19, 2009;

6 WHEREAS, on January 12, 2009, Plaintiffs filed two different motions to dismiss
7 (Motion To Dismiss First Amended Complaint as to Rosa Martinez, Jimmy Howard, Roberta
8 Dobbs, Sharon D. Rozier, and Joseph Sutrynowicz; and Motion to Dismiss First Amended
9 Complaint as to Brent A. Roderick) and Plaintiffs filed two different motions (Motion for
10 Preliminary Injunction; and Motion for Class Certification), all of which were initially scheduled
11 to be heard on February 19, 2009;

12 WHEREAS, on January 15, 2009, Plaintiffs filed a Motion for Summary
13 Adjudication of the Legality of Defendant's Policy Regarding "Fleeing" Beneficiaries, which was
14 initially scheduled to be heard on February 19, 2009;

15 WHEREAS, on January 13, 2009, Defendant filed a Motion To Change Time on
16 Briefing and Hearing Schedules;

17 WHEREAS, on January 21, 2009, the Court issued an Order Denying Defendant's
18 Motion To Continue Hearing, which left in place the hearing date of February 19, 2009, and set
19 forth a briefing schedule for all motions then pending before the Court;

20 WHEREAS, on January 23, 2009, Defendant filed an Administrative Motion To
21 Continue Hearing and Briefing Dates by One Week; Plaintiff filed a Statement of Non-
22 Opposition to that motion; and the Court issued an Order continuing the hearing on all motions
23 then pending before the Court from February 19, 2009, until February 26, 2009;

24 WHEREAS, neither the Administrative Motion filed by Defendant, nor the
25 Statement of Non-Opposition filed by Plaintiff, nor the Order issued by the Court indicated that
26 the Case Management Conference scheduled for February 19, 2009, should also be postponed;

27 WHEREAS, Plaintiffs and Defendant agree that it would efficient for the Court
28 and the parties to conduct the Case Management Conference following a hearing on the motions

1 now pending before the Court on February 26, 2009, rather than a week before argument on such
2 motions;

3 THEREFORE, IT IS HEREBY STIPULATED that the Case Management
4 Conference shall be postponed from February 19, 2009, at 2:00 p.m. until immediately after the
5 hearing on Defendant's and Plaintiffs' motions, which is scheduled for February 26, 2009, at 2:00
6 p.m.

7 IT IS SO STIPULATED.

8 DATED: February 2, 2009

MUNGER, TOLLES & OLSON LLP
Attorneys for Plaintiffs

11 By: /s/ Mark R. Conrad
12 MARK R. CONRAD


13 DATED: February 2, 2009

UNITED STATES ATTORNEY
JOSEPH P. RUSSONIELLO
Attorney for Defendant

16 By: /s/ Victoria R. Carradero
17 VICTORIA R. CARRADERO
18 ASSISTANT UNITED STATES ATTORNEY

19
20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21
22 Dated: February ³____, 2009



23 THE HONORABLE CLAUDIA WILKEN
24 United States District Judge
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